



UNITED STATES PATENT and TRADEMARK OFFICE

21 JAN 2009

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In re Application of	DECISION ON
Highgate et al	
Application No.: 10/568,241	
PCT No.: PCT/GB2004/003570	
Int. Filing Date: 19 August 2004	PETITION UNDER
Priority Date: 22 August 2003	
Attorney's Docket No.: GJE-7555	
For: PHTOVOLTAIC CELL	37 CFR 1.147(a)

This is in response to the "RENEWED PETITION IN RESPONSE TO DECISION ON PETITION... ABANDONMENT UNDER 1.181" filed on 06 October 2008.

BACKGROUND

In a decision from this Office on 06 May 2008, the petition was dismissed. The decision stated that petitioners had not provided corroborating evidence for the inability to locate the nonsigning inventor, Lindsey Harrison.

On 17 September 2008 and 26 September 2008, the USPTO mailed applicant Notification of Abandonment (Form PCT/DO/EO/909) indicating that applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 05/06/2008 within the time period set therein.

On 06 October 2008, petitioner filed the present renewed petition accompanied with corroborating evidence.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has satisfied requirements (1) - (4) of 37 CFR 1.47(a).

The statements of David R. Saliwanchik are sufficient to show diligent effort to locate non-signing inventor Lindsey Harrison because an internet search was conducted but was unsuccessful in terms of discovering any new relevant address information about the non-signing inventor. Petitioner has now provided a copy of the internet searches conducted at the Manchester University site and at Google.

Accordingly, the actions enumerated by submitted statements are sufficient to establish that the non-signing inventor Lindsey Harrison could not be found or reached after diligent effort.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

37 CFR 1.181:

A review of the file shows that indeed the USPTO erroneously mailed the Notice of Abandonment on 17 September 2008, and 26 September 2008 because the time to respond with extensions of time had not expired.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**. The Notifications of Abandonment mailed 17 September 2008 and 26 September 2008 was in error and are hereby **VACATED**.

The petition under 37 CFR 1.47(a) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **08 March 2007**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.


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Lindsey Harrison
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In re Application of
Highgate et al
Application No.: 10/568,241
PCT No.: PCT/GB2004/003570
Int. Filing Date: 19 August 2004
Priority Date: 22 August 2003
Attorney's Docket No.: GJE-7555
For: PHOTOVOLTAIC CELL

Dear Ms. Harrison :

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.



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